

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF PENNSYLVANIA

FABIAN D. SMART, :  
Petitioner :  
v. : No. 3:CV-10-1447  
: (Hon. A. Richard Caputo)  
LOUIS S. FOLINO, et al., :  
Respondents :

MOTION FOR ENLARGEMENT OF TIME TO PRODUCE EXHIBITS IN  
RESPONSE TO COURT'S ORDER OF MARCH 2, 2015 (DOCUMENT 20)

District Attorney Karen E. Kuebler, counsel for Respondents, files this Motion for an extension of time to file exhibits in response to the Court's Order of March 2, 2015 (document 20) for the reasons set out below.

1. Fabian Smart is a prisoner in state custody serving a sentence of life imprisonment imposed on October 21, 2004, following his conviction at trial to murder of the first degree. Concurrent sentences on the remaining counts of Criminal Conspiracy to commit Murder, Kidnapping, and Criminal Conspiracy to commit Kidnapping was imposed on January 24, 2005.
2. Smart was prosecuted by a Special Assistant District Attorney for Clinton County, appointed only to prosecute Smart's case.
3. The state Appellate proceedings were prosecuted by the Special Assistant District Attorney.

4. The first Post- Conviction Relief Act Petition filed by Smart was prosecuted by the prior elected District Attorney, Michael F. Salisbury.
5. The Clinton County District Attorney's Office is staffed by the District Attorney and one part-time Assistant District Attorney.
6. The transcripts of the proceedings which have occurred over many years are voluminous.
7. Current counsel for Respondent has not had enough time to properly review the transcripts to determine which portions are relevant for the Court's review as directed by paragraph 1 of the Court's Order of March 2, 2015 (document 20).
8. Respondent has provided all of the materials requested, with the exception of Petitioner's or Respondent's briefs regarding his appeal to the denial of his first PCRA petition which Respondent is unable to locate, in paragraph 2 of the Court's Order of March 2, 2105(document 20) on this date.

WHEREFORE, because counsel is currently without a sufficient time to fully review all of the transcripts, counsel respectfully requests the grant of a 180 day extension to provide the documents requested in paragraph 1 of the Court's March 2, 2015 Order (document 20), so that a response would be timely if filed on or before September 12, 2015.



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KAREN E. KUEBLER  
District Attorney

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Counsel for Respondents

Date: March 16, 2015

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CERTIFICATE OF SERVICE

I hereby certify that I am this day serving a copy of the foregoing document upon the person(s) and in the manner indicated below:

**Service by first-class mail addressed as follows:**

**Fabian D. Smart, (#GC-2983)  
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(Pro Se Petitioner)**

  
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